

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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|---------------------------|---|--------------------------------|
| UNITED STATES OF AMERICA, |) | |
| |) | Case No. 2:12-CR-00109-LDG-PAL |
| Plaintiff, |) | |
| |) | |
| v. |) | AMENDED |
| |) | STIPULATION |
| ALFONSO LOBAS, |) | TO CONTINUE MOTIONS |
| SABIR PHILIMON, |) | HEARING |
| |) | AND |
| Defendants. |) | PROPOSED ORDER |
| _____ |) | |

IT IS HEREBY STIPULATED and AGREED by and between Daniel G. Bogden, United States Attorney, Cristina Silva, Assistant United States Attorney, Saraliene S. Durrett, defense counsel for defendant Sabir Philimon, and Bret Whipple, defense attorney for Alfonso Lobas, that the motions hearing currently set for Thursday, January 17, 2013, at 10:00 a.m. be continued to a time convenient to this Court, but in no event sooner than March 4, 2013.

This Stipulation is entered into for the following reasons:

1. The parties are attempting to reach a resolution to this matter prior to the hearing, but they anticipate needing more time to do so;
2. Counsel for defendant Philimon has been in communication with Assistant United States Attorney Cristina Silva and with counsel for Defendant Lobas and there is no objection to the continuance as outlined above;
3. Denial of this request for continuance of the motions hearing will deny the parties of the opportunity to resolve this matter prior to the hearing. Resolving the matter prior to the hearing will eliminate the need for the hearing and will prevent the parties and the Court from spending needless time on the hearing;

4. Additionally, denial of this request would result in a miscarriage of justice;

5. For all the above-stated reasons, the ends of justice would best be served by a continuance of the motions hearing currently set for January 17, 2013, at 10:00 a.m.;

6. The additional time requested in this Stipulation is excludable in computing the time within which the trial must commence pursuant to the Speedy Trial Act, Title 18, United States Code, Section 3161(h)(1)(D) and 3161(h)(7)(A) when considering the factors under Title 18, United States Code, Sections 3161(h)(7)(B)(i) and 3161(h)(7)(B)(iv). The parties acknowledge that if a resolution is not met prior to the rescheduled hearing date, they may need to seek a continuance of the trial date.

7. This is the first request for continuance of the motions hearing on behalf of the parties.

DATED this 17th day of January 2013.

UNITED STATES ATTORNEY

/s/ Cristina Silva

CRISTINA SILVA, ESQ.

Assistant United States Attorney
333 Las Vegas Blvd. South
Suite 5000
Las Vegas, Nevada 89101
Attorney for Plaintiff

**ATTORNEY FOR DEFENDANT
SABIR PHILIMON**

/s/ Saraliene S. Durrett

SARALIENE S. DURRETT, ESQ.

CHESNOFF & SCHONFELD
520 South Fourth Street
Las Vegas, Nevada 89101

**ATTORNEY FOR DEFENDANT
ALFONSO LOBAS**

/s/ Bret Whipple

BRET O. WHIPPLE

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1100 S. 10th Street
Las Vegas, NV 89104
702 257-9500

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3 **UNITED STATES DISTRICT COURT**
DISTRICT OF NEVADA

4 UNITED STATES OF AMERICA,)
5) Case No. 2:12-CR-00109-LDG-PAL
6 Plaintiff,)
7 v.)
8 ALFONSO LOBAS,)
9 SABIR PHILIMON,)
10 Defendants.)
11 _____)

12 **FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER**

13 Based upon the pending Stipulation of counsel, and good cause appearing, the Court finds
14 that:

15 1. The parties are attempting to reach a resolution to this matter prior to the hearing, but
16 they anticipate needing more time to do so;

17 2. Counsel for defendant Philimon has been in communication with Assistant
18 United States Attorney Cristina Silva and with counsel for Defendant Lobas and there is no objection
19 to the continuance as outlined above;
20

21 3. Denial of this request for continuance of the motions hearing will deny the parties of
22 the opportunity to resolve this matter prior to the hearing. Resolving the matter prior to the hearing
23 will eliminate the need for the hearing and will prevent the parties and the Court from spending
24 needless time on the hearing;
25

26 4. Additionally, denial of this request would result in a miscarriage of justice;

27 5. For all the above-stated reasons, the ends of justice would best be served by a
28

1 continuance of the motions hearing currently set for January 17, 2013, at 10:00 a.m.;

2 6. The additional time requested in this Stipulation is excludable in computing the time
3 within which the trial must commence pursuant to the Speedy Trial Act, Title 18, United States
4 Code, Section 3161(h)(1)(D) and 3161(h)(7)(A) when considering the factors under Title 18, United
5 States Code, Sections 3161(h)(7)(B)(i) and 3161(h)(7)(B)(iv). The parties acknowledge that if a
6 resolution is not met prior to the rescheduled hearing date, they may need to seek a continuance of
7 the trial date; and
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10 7. This is the first request for continuance of the motions hearing on behalf of the
11 parties.

12 **ORDER**

13 **IT IS HEREBY ORDERED** that the motions hearing currently set for January 17, 2013,
14 at the hour of 10:00 a.m., in Courtroom 3B, is hereby **VACATED** and **RESET** for the 5th day
15 of March, 2013, at the hour of _____ .m.

16 **DATED** this 39th day of February, 2013.

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19 
20 **THE HONORABLE PEGGY LEEN**
21 **UNITED STATES MAGISTRATE JUDGE**

22 Submitted by:

23 CHESNOFF & SCHONFELD

24 /s/ Saraliene S. Durrett
25 SARALIENE S. DURRETT, ESQ.
26 Nevada Bar # 11461
27 520 South Fourth Street
28 Second Floor
Las Vegas, Nevada 89101
Attorney for Defendant
Sabir Philimon